

REMARKS

The application has been amended to place it in condition for allowance at the time of the next Official Action.

Claim 19 is amended to remove the term "integral whole" to address the drawing objection noted in the Official Action. The above change is the only change and is believed not to introduce new matter.

Applicants note with appreciation the indication that a duplicate reference was submitted with the IDS's of June 21, 2006 and September 25, 2006.

The specification is amended to remove reference to the claims and to ensure that each of the sentences is in proper English.

A substitute Abstract of the Disclosure is provided on an accompanying separate sheet.

Claims 12-23 were previously pending in the application. New claim 24 has been added. Therefore, claims 12-24 are presented for consideration.

Claims 12-23 were rejected under 35 USC §112, second paragraph, as being indefinite. That rejection is respectfully traversed.

The sections noted in claims 12, 14, 15, and 19 are addressed to provide further clarification as to the scope of the claims. Accordingly, the 35 USC §112, second paragraph rejection is believed addressed and should be withdrawn.

Claims 12-20 were rejected as unpatentable over WIEMERI et al. 5,267,594 in view of SEIGNEUR 5,065,224. That rejection is respectfully traversed.

The Official Action offers Figure 1 of WIEMERI as disclosing a saw casing having a chainsaw and lattice strips.

However, the Examiner's characterization of WIEMERI is inconsistent with the disclosure of WIEMERI.

WIEMERI does not disclose a protective lattice structure as recited. Rather, WIEMERI discloses a saw casing that is relatively open in the area where the chain is hinged to the harvester head. As discussed in paragraph 3 of the present application, the prior art structures have relatively open areas to prevent saw dust and snow from rapidly filling the casing.

The elements indicated as lattice strips in WIEMERI do not include a longitudinal axis that is substantially parallel to the rotational axis of the chain wheel.

Compare Figure 2 of the present application, reproduced below, wherein the longitudinal axis of the strips is coming out of the page and is substantially parallel to the rotational axis of the chain wheel 14.

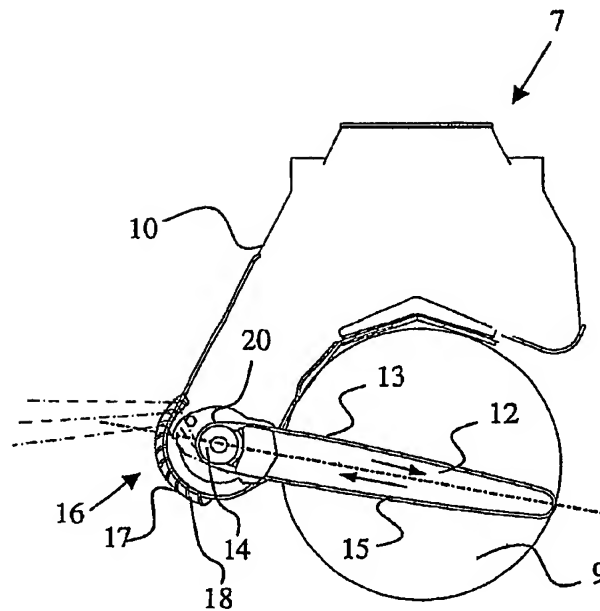


FIG. 2

In addition, the "lattice strips" of WIEMERI do not appear to extend over a rotational plane of the chain saw. Moreover, movement paths of the chain of WIEMERI are not arranged to encounter a surface of the strips.

SEIGNEUR is only cited for the disclosure of rotational structure of a chainsaw and does not disclose the recited strips.

The above-noted feature is missing from each of the references, is absent from the combination, and thus would not have been obvious to one having ordinary skill in the art.

Claims 13-22 depend from claim 12 and further define the invention and are believed patentable over the proposed combination of references at least for depending from an allowable independent claim.

In addition, the dependent claims include features not disclosed by the references.

Claim 13 recites that each of the strips is arranged substantially radially to the chain wheel. See strip 17 extending substantially radially from chain wheel 14 of Figure 2 above. Claim 15 is directed to the embodiment of Figure 3 and shows a plurality of strips arranged in at least two planes with a gap therebetween. The proposed combination of references does not suggest these features and thus at least claims 13 and 15 are believed patentable regardless of the patentability of the claims from which they depend.

New claim 24 is added. New claim 24 also recites a plurality of strips having a longitudinal axis that is substantially parallel to the rotational axis of the chain wheel. The analysis above regarding claim 1 is equally applicable to claim 24 as to this feature. In addition, claim 24 further recites that a first end of one strip overlaps the second end of an adjacent strip with a gap between each strip. The proposed combination of references does not disclose or suggest these features. See Figures 2, 3 and 4 in support of the new claim.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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A handwritten signature in cursive script, reading "Liam McDowell".

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